

SENATE BILL NO. 352

INTRODUCED BY PERRY

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A BILL FOR AN ACT ENTITLED: "AN ACT EXEMPTING THIRD-CLASS CITIES AND TOWNS FROM FIREFIGHTER AGE RESTRICTIONS WITH QUALIFICATIONS; AND AMENDING SECTIONS 7-33-4107 AND 7-33-4108, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 7-33-4107, MCA, is amended to read:

"7-33-4107. Qualifications of firefighters. (1) The state of Montana determines that age is a valid, bona fide occupational qualification for the position of firefighter because of the rigorous physical demands of the firefighting profession and the expectation of many years of emergency service. ~~The~~ Except as provided in subsection (2), the qualifications of firefighters shall be are that they:

- (1)(a) ~~shall~~ may not be more than 34 years of age at the time of original appointment;
- (2)(b) ~~shall~~ must have passed a physical examination by a practicing physician duly authorized to practice in this state; and
- (3)(c) at the option of ~~said~~ the city or town in which they are appointed, shall must be qualified voters of the city or town.

(2) The provisions of subsection (1)(a) do not apply to firefighters appointed by a third-class city or town IF THAT THIRD-CLASS CITY OR TOWN REQUIRES NEW FIREFIGHTERS OVER THE AGE OF 34 TO PASS A PHYSICAL AGILITY TEST AS DESIGNATED BY THE THIRD-CLASS CITY OR TOWN."

Section 2. Section 7-33-4108, MCA, is amended to read:

"7-33-4108. Physical examination. The examination required by ~~7-33-4107(2)~~ shall 7-33-4107(1)(b) must be in writing and be filed with the city or town clerk. ~~Such~~ The examination ~~shall~~ must disclose the ability of ~~such~~ the applicant to perform the physical work usually required of firefighters in the performance of their duty duties."

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